

FACSIMILE COVER SHEET

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From: John C. Pokotylo, Esq.

Date: August 4, 2008

Number of Pages Including Cover: 7

MESSAGE: FORMAL SUBMISSION OF:

- 1) Transmittal (1 pg.);
- 2) Fee transmittal (1 pg.)
(in duplicate); and
- 3) Response to Notification of
Non-Compliant Appeal Brief (3 pgs.).

Attorney Docket No.: OOCL-83 (20020P501)

Appl. No.: 10/071,836

Applicant: Tetsuya TOYODA

Filed: February 8, 2002

Title: **ELECTRONIC CAMERA FOR ASSOCIATING PREDETERMINED IMAGE FORMING
INSTRUCTION INFORMATION, IMAGE FORMING APPARATUS, STORAGE
MEDIUM, AND ELECTRONIC CAMERA SYSTEM**

TC/A.U.: 2622

Examiner: Nelson D. Hernandez

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Modified PTO/SB/21 (08-00)

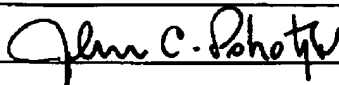
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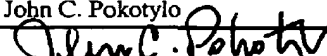
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/071,836
	Filing Date	February 8, 2002
	First Named Inventor	Tetsuya TOYODA
	Group Art Unit	2622
	Examiner Name	Nelson D. Hernandez
Total Number of Pages in This Submission		Attorney Docket Number OOCL-83 (20020P501)

ENCLOSURES <i>(check all that apply)</i>				
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Postcard Receipt <input type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>		
<table border="1" style="width: 100%;"> <tr> <td style="width: 20%;">Remarks</td> <td></td> </tr> </table>			Remarks	
Remarks				

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	John C. Pokotylo (Reg. No. 36,242)
Signature	
Date	August 4, 2008

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**FEE TRANSMITTAL
for FY 2007**

Effective 09/30/2007. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 0.00)

Complete if Known

Application Number	10/071,836
Filing Date	February 8, 2002
First Named Inventor	Tetsuya TOYODA
Examiner Name	Nelson D. Hernandez
Art Unit	2622
Attorney Docket No.	OOCL-83 (20020P501)

METHOD OF PAYMENT (check all that apply)

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FEE CALCULATION

1. BASIC FILING, SEARCH & EXAMINATION FEES

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
1030	515	Utility fee	
440	220	Design fee	
680	340	Plant fee	
1440	720	Reissue fee	
210	105	Provisional fee	
SUBTOTAL (1)			(\$ 0.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
1202 50	2202 25	Claims in excess of 20	
1201 210	2201 105	Independent claims in excess of 3	
1203 370	2203 185	Multiple dependent claim, if not paid	
1204 210	2204 105	**Reissue independent claims over original patent	
1205 50	2205 25	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$ 0.00)

**or number previously paid, if greater, For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	460	2252	230	Extension for reply within second month	
1253	1,050	2253	525	Extension for reply within third month	
1254	1,640	2254	820	Extension for reply within fourth month	
1255	2,230	2255	1,115	Extension for reply within fifth month	
1401	510	2401	255	Notice of Appeal	
1402	510	2402	255	Filing a brief in support of an appeal	
1403	1,030	2403	515	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	510	2452	255	Petition to revive - unavoidable	
1453	1,540	2453	770	Petition to revive - unintentional	
1501	1,440	2501	720	Utility issue fee (or reissue)	
1502	820	2502	410	Design issue fee	
1503	1,130	2503	565	Plant issue fee	
Petitions to the Commissioner - check fee sheet					
1807	50	1807	50	Processing fee under 37 CFR 1.17(c)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	810	2809	405	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	810	2810	405	For each additional invention to be examined (37 CFR 1.129(b))	
1801	810	2801	405	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00)

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	John C. Pokotylo	Registration No. (Attorney/Agent)	36,242	Telephone	(732) 936-1400
Signature	<i>John C. Pokotylo</i>	Date	August 4, 2008		

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231.

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Examiner Name	Nelson D. Hernandez
Art Unit	2622
Attorney Docket No.	OOCL-83 (20020P501)

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FEE CALCULATION (continued)

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Other fee (specify) _____

* Reduced by Basic Filing Fee Paid.

SUBTOTAL (3) (\$) 0.00

SUBMITTED BY

Name (Print/Type)	John C. Pokotylo	Registration No. (Attorney/Agent)	36,242	Telephone	(732) 936-1400
Signature		Date	August 4, 2008		

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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Attorney Docket No.: OOCL-83 (20020P501)

Appl. No.: 10/071,836

Applicant/Appellant: Tetsuya TOYODA

Filed: February 8, 2002

Title: ELECTRONIC CAMERA FOR ASSOCIATING PREDETERMINED
IMAGE FORMING INSTRUCTION INFORMATION, IMAGE FORMING
APPARATUS, STORAGE MEDIUM, AND ELECTRONIC CAMERA
SYSTEM

TC/A.U.: 2622

Examiner: Nelson D. Hernandez

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Alexandria, VA 22313-1450

S I R:

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Further to the Notification of Non-Compliant Appeal Brief mailed on July 2, 2008 (Paper No. 20080630), which set a period for response to expire on August 2, 2008, the appellant requests that section III of the Appeal Brief filed on June 23, 2008 be replaced with the following section.

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III. Status of Claims

Claims 1-21 and 48-64 are pending.

Claims 22-47 have been canceled.

Claims 1-4, 7-11, 13-21, 48-52, 54-58 and 60-64 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 6,850,271 ("the Ichikawa patent") in view of U.S. Patent No. 6,597,468 ("the Inuiya patent").

Claims 5, 6, 12, 53 and 59 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Ichikawa patent in view of the Inuiya patent, in further view of U.S. Patent No. 6,965,410 B1 ("the Yamagishi patent").

The foregoing rejections of claims 1-21 and 48-64 are appealed.

Conclusion

In view of the foregoing, the appellant respectfully submits that the Appeal Brief now complies with 37 C.F.R. § 41.37. In view of the Appeal Brief filed on June 23, 2008, as supplemented by the foregoing, the appellant respectfully submits that the pending claims are in condition for allowance. Accordingly, the appellant requests that the Board reverse each of the outstanding grounds of rejection.

Any arguments made in the Appeal Brief pertain **only** to the specific aspects of the invention **claimed**. Any arguments are made **without prejudice to, or disclaimer**

AUG 04 2008

of, the appellant's right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

Respectfully submitted,

August 4, 2008



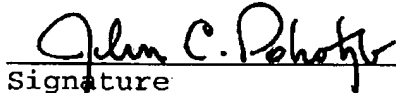
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